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PATENT  
Attorney Docket No. 04995.0023

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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GROUP 1800

In re Application of )

Marian L. McKee *et al.* )

Serial No. 08/837,459 )

Group Art Unit: 1801

Filed: April 18, 1997 )

Examiner: Not yet assigned

For: HISTIDINE-TAGGED INTIMIN AND )  
METHODS OF USING INTIMIN TO )  
STIMULATE AN IMMUNE RESPONSE )  
AND AS AN ANTIGEN CARRIER WITH )  
TARGETING CAPABILITY )

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

The following is a concise statement of relevance of the non-English language documents:

1. EP0282042 was cited in the PCT International Search Report as defining the

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**Serial No. 08/837,459**

general state of the art and is not considered to be of particular relevance. EP0282042 discloses fusion proteins coupled to an affinity peptide which allows metal chelate affinity purification.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By: Jean B. Fordis  
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Date: November 20, 1997